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Docket No.: M4065.0941/P941
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chandra Mouli

Application No.: 10/612,974

Confirmation No.: 4728

Filed: July 7, 2003

Art Unit: 2826

For: PIXEL WITH STRAINED SILICON LAYER
FOR IMPROVING CARRIER MOBILITY AND
BLUE RESPONSE IN IMAGERS

Examiner: F. Abraham

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election of species requirement set forth in the Office Action mailed October 20, 2005 (Paper No.20051013), Applicant hereby provisionally elects Species I for continued examination, with traverse; at least claims 1-7, 39, and 42-48 are readable on the provisionally elected species.

M.P.E.P. §803 directs as follows: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." The directive should be followed in this case. The Office Action fails to provide a *prima facie* basis for the election of species requirement, i.e., it does not explain that the inventions have a separate classification, or separate status in the prior art, or a different field of search as defined in M.P.E.P. §808.02. See M.P.E.P. §803 (Guidelines). Accordingly, Applicant respectfully submits that claims 1-48 of the application can be examined together "without serious burden."

The invention generally relates to pixels with strained silicon layers for improving carrier mobility and blue response in imagers. Accordingly, independent claim 1 recites "at least